

Serial No.: 10/099,989
Atty. Docket No.: P67695US0

REMARKS

The Office Action mailed July 2 , 2003, has been carefully reviewed and by this Amendment, claims 4 and 5 have been canceled and claims 1, 6, 9 and 10 have been amended. Claims 1-3 and 6-10 are pending in the application.

The Examiner rejected claims 1-10 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,199,213 to Whang in view of U.S. Patent No. 462,040 to Fox, and further rejected claims 2 and 3 as being unpatentable over Whang in view of U.S. Patent No. 4,015,641 to Goff, Jr. et al ("Goff").

As set forth in amended claim 1, the present invention is directed to a cap having a sweatband made of a fabric portion woven to form a tubular channel which is flattened and sewn with *only two* substantially parallel lines, each of the stitching lines extending along and adjacent a respective longitudinal edge of the tubular channel. Whang, by contrast, teaches the folding of an exterior shell 15 around an interior core 14 so as to require four lines of stitching to fully secure the folded material around the core. Given the disclosure in Whang relating to the desired maximizing of the stretchability of the shell 15 and the stitching 10, 11 (see col. 4, lines 19-36) it is necessary for Whang to secure the resulting sweatband with the four lines of stitching to ensure appropriate and unified function of the highly flexible sweatband materials; thus limiting the stitching to only two lines is not suggested and would negate the intended function of Whang. And there is nothing in Fox to suggest the inclusion of two lines of stitching adjacent respective longitudinal edges of the tubular channel as this would negate the entire concept of producing pantaloons without seams.

More significantly, there is no suggestion in the prior art to modify Whang to include the tubular pantaloons-style of fabric shown in Fox therein because to do so would complicate the manufacture of the Whang sweatband. As clearly shown therein, Whang requires the insertion of the interior core 14 within the exterior shell 15, followed by stitching. To begin with a length of tubular fabric would make incorporation of the core material therein much more difficult.

As set forth in amended claim 6, the present invention is also directed to a sweatband that includes a fabric portion woven to form a tubular channel such that, when flattened, two layers of the tubular fabric portion provide moisture absorbency without a need for sewing to join the two layers, and the two layers *lie against one another* when the sweatband is in use. This also is not shown or suggested by the prior art. Again, Whang includes a core material such that the two layers of the shell do not lie against one another, and further requires stitching to secure the shell and core materials. Fox would not be operable were the two layers to lie flat against one another when in use, as there would be no room for the wearer's legs, and there is nothing in the prior art to suggest combining Fox with Whang for the reasons already provided, namely that Whang requires stitching across the width of the band to effectively join the layers and substitution of a tubular fabric would complicate manufacture with the inserted core material.

Finally, Goff does not add anything of relevance to the present invention, showing only a tubular fabric in which the upper and lower layers are "resiliently separated" by a yarn core that prevents such layers from lying against one another in use.

Serial No.: 10/099,989
Atty. Docket No.: P67695US0

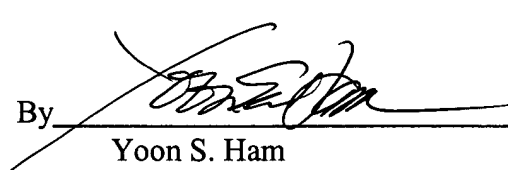
For at least the foregoing reasons, claims 1 and 6 are allowable over the prior art. Claims 2, 3 and 7-10 are also in condition for allowance as claims properly dependent on an allowable base claim. Favorable consideration is respectfully requested.

Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By



Yoon S. Ham
Reg. No. 45,307

400 Seventh Street, N.W.
Washington, D.C. 20004
Telephone: (202) 638-6666
Date: October 1, 2003
YSH:SCB